

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

BEN & JERRY'S HOMEMADE, INC.

Plaintiff,

– against –

CONOPCO, INC.,

Defendant.

Case No.:

## DECLARATION OF JERRY GREENFIELD

I, Jerry Greenfield, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. This declaration is based upon my personal knowledge of the facts stated herein.

2. I am a co-founder of Ben & Jerry's Homemade, Inc. ("Ben & Jerry's" or "the Company"), which makes, distributes, and sells all-natural premium ice cream and related products in a wide variety of innovative flavors. Ben Cohen, my co-founder, and I created Ben & Jerry's in 1978, when we opened our first ice-cream shop in a converted gas station in Burlington, Vermont. Ben & Jerry's is now sold in more than 33 countries around the world.

3. In addition to being a co-founder, during various years, I served as a director, officer, and shareholder of Ben & Jerrys from its inception through 2000. During those times, I was actively involved in its management and in its mission.

## Ben & Jerry's Social Mission and the Integrity of its Brand

4. We created Ben & Jerry's not just to make the greatest ice cream in the world, but also to use our business to make the world a better place. At all levels of our

business, we have sought to advance human rights and dignity, to support social and economic justice for historically marginalized communities, and to protect and restore the Earth's natural systems.

5. In the 1980s, Ben & Jerry's formally adopted a three-part mission, which incorporated the Company's core values and became—and still is—the Company's guiding corporate ethos. These three, co-equal missions consist of:

- Our Product Mission: to make the finest-quality ice cream and to do so in a manner that respects the environment;
- Our Economic Mission: to manage our business for sustainable future growth; and
- Our Social Mission: to operate Ben & Jerry's in innovative ways that improve the quality of life of people around the world.

6. Ben & Jerry's Social Mission is to promote human welfare and to eliminate injustices in local, national, and international communities by integrating these ideals into the Company's day-to-day business activities. Pursuant to its Social Mission, the Company strives to advance new models of economic justice and provide economic opportunities for those who have been denied them; minimize our negative impact on the environment; support sustainable, safe food production and the economic viability of family farms and rural communities; and support nonviolent ways to achieve peace and justice. Ben & Jerry's has not shied away from taking controversial positions and advancing movements, provided they are consistent with the Company's core values. Ben & Jerry's Social Mission was intended to evolve over time to respond and react to new and changing issues confronting the world. For example, over time, Ben & Jerry's has adopted positions on

political issues, like campaign-finance reform. And as its business has grown internationally, the scope of its Social Mission has similarly expanded.

7. The Company has been open, transparent, and proud of Ben & Jerry's commitment to its Social Mission, and to the progressive values it embodies. It is a bedrock principle of the Company, which is expressly incorporated in the Company's Articles of Incorporation. The causes championed by the Company are often featured on Ben & Jerry's ice cream containers. Advancing social justice is part and parcel of the Ben & Jerry's brand.

8. In accordance with our social mission, when we first issued shares of Ben & Jerry stock to the public, we limited the offering to Vermont residents so we could share the success of the Company with those in our community. That offering included a minimum investment of only \$126 to make it available to people of a wider variety of economic means.

9. Over the years, Ben & Jerry's has advocated for many social-activist causes. For example:

- a. In 1988, in protest of the Reagan administration's expenditures on nuclear weapons while one in five American children lived in poverty, Ben founded 1% for Peace, which sought to redirect 1% of the United States defense budget to fund peace-promoting activities and projects. In connection with 1% for Peace, Ben & Jerry's launched a new product, the Peace Pop, in a wrapper that demanded the federal government redirect 1% of its military budget to peace-promoting activities.



- b. In 1989, Ben & Jerry's announced its opposition to the use of Recombinant Bovine Growth Hormone because of, among other things, the adverse impact on family farms.
- c. In 1990, as part of its ongoing efforts to support family farms, Ben & Jerry's printed "Support Farm Aid" messages on eight-million ice cream pints as part of the grassroots efforts of Farm Aid, a non-profit organization whose mission is to keep family farmers on their land.
- d. In 1991, Ben & Jerry's was in the vanguard of extending health benefits to the same-sex partners of our employees.
- e. In 1992, Ben & Jerry's joined in a cooperative campaign with the Children's Defense Fund to raise children's basic needs to the top of the national agenda.
- f. In 2005, with support from Greenpeace and the Alaska Wilderness League, we delivered a 900-pound Baked Alaska with our Fossil Fuel ice cream to the U.S. Capitol to protest proposed oil drilling in the Arctic National Wildlife Refuge.
- g. In 2011, Ben & Jerry's issued a statement of solidarity with the Occupy Wall Street protestors, and on multiple occasions went to Zucotti Park to scoop ice cream for the protestors.

In addition, Ben & Jerry's has advocated for climate justice, racial justice, LGBTQ+ rights, and campaign-finance reform, among other social causes. In 1994, Ben & Jerry's made a point of highlighting its dedication to social activism by featuring eight famous

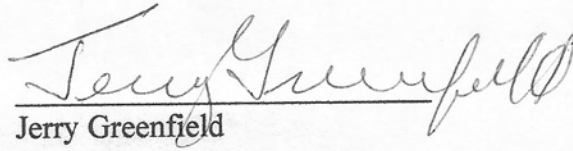
advocates of social change, including Bobby Seale, Dolores Huerta, Pete Seeger, Spike Lee, and Daniel Berrigan.

10. Over the years, Ben & Jerry's also has been very careful about protecting the integrity of the essential elements of the Ben & Jerry's brand name. Ben & Jerry's has done so by remaining faithful and consistent to its core values and three-part mission, and by being honest and transparent with its stakeholders and the public at large. We always understood and accepted that not everyone would agree with every position advocated by Ben & Jerry's. But our larger concerns were to remain consistent with the Social Mission, faithful to our values and to the causes we support, honest in our dealings, and transparent on all such matters with our stakeholders and communities. Our efforts have led to a brand image that stands not only for the greatest ice cream in the world, but also for integrity, transparency, and social justice.

11. In my view, Ben & Jerry's commitment to its Social Mission and its transparency is identified with the Ben & Jerry's brand and is one reason the Company has been so successful.

12. I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 4, 2022  
Williston, Vermont

  
Jerry Greenfield